

EXHIBIT 5



Tiana Demas
T: +1 212 479 6560
tdemas@cooley.com

June 6, 2024

Amy L.B. Ginsburg
Ginsburg Law Group, P.C.
1012 N. Bethlehem Pike, Suite 103, Box #9
Ambler, PA 19002

Re: *McCormick v. Ethos Technologies, Inc.*, No. 4:24-cv-00457 (E.D. Tex.)

Dear Ms. Ginsburg,

I represent Ethos Technologies Inc. (“Ethos”). I write to address the above-referenced complaint, in which your client, Gina McCormick, a serial plaintiff, asserts that Ethos violated the Telephone Consumer Protection Act (“TCPA”) by having a “representative” place two calls and send a single text message to Ms. McCormick on June 15, 2021. As you are well-aware from our prior correspondence and calls, on February 11, 2021, your client visited <https://webgenins.com>,¹ and checked a box authorizing: “insurance companies, their agents and marketing partners to contact me about final expense insurance and other non-insurance offers by telephone calls and text messages to the number I provided above.” In the same consent, your client agreed to “receive telemarketing calls and pre-recorded messages via an auto dialed phone system, even if my telephone number is a mobile number that is currently listed on any state, federal or corporate Do Not Call list.”

On May 23, 2022, I sent you the record of Ms. McCormick’s consent, which contains her full name, her phone number ending in 4158, her IP address, home address, the date of her consent (February 11, 2021),² the opt-in link, and the full text of the consent language. See Ex. A. After sending the consent record, I received no further email correspondence from you.

Despite having clear evidence of your client’s consent, you proceeded to file a TCPA lawsuit with no basis in fact or law, in flagrant violation of Rule 11 of the Federal Rules of Civil Procedure. Indeed, the Complaint falsely alleges that: “Ms. McCormick never consented to the calls and text she received.” Rule 11 requires that “the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law,” and that “the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.” Fed. R. Civ. P. 11(b).

¹ See <https://web.archive.org/web/20210228073744/https://webgenins.com/>.

² The platform that records consent uses the convention for dates where the day appears first, followed by the month, then the year. Thus, 11/2/2021 is February 11, 2021.



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This letter serves as notice that by filing the Complaint, you have violated Rule 11. Please confirm **no later than June 12, 2024** that you will withdraw the Complaint by filing a notice of dismissal with prejudice. If you do not dismiss the Complaint forthwith, Ethos will file a motion for Rule 11 sanctions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiana Demas".

Tiana Demas

TD

EXHIBIT A

Timestamp	First Name	Last Name	Gender	Address	City	State	Zip Code
11/2/2021 20:51	GINA	Mccormick	Female	720 Red Fox	Prosper	TX	75078

By checking this box, I agree to the [Terms and Conditions](#) and [Privacy Policy](#) and [authorize insurance companies, their agents and marketing partners](#) to contact me about final expense insurance and other non-insurance offers by telephone calls and text messages to the number I provided above. I agree to receive telemarketing calls and pre-recorded messages via an auto dialed phone system, even if my telephone number is a mobile number that is currently listed on any state, federal or corporate Do Not Call list. I understand that my consent is not a condition of purchase of any goods or services and that I may revoke my consent at any time. I understand that standard message and data rates may apply.

Phone Number	REDACTED	REDACTED	Opt-in Link
4696884158	REDACTED	<u>REDACTED</u>	https://webgenins.com/final-expense.html

LeadID	IP Address	REDACTED	
228CDD8C-5523-15E2-0D25-17E3B80E1B34	69.167.45.134	REDACTED	